

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

J.S. MCCARTHY, CO., INC., d/b/a)	
J.S. MCCARTHY PRINTERS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-107-B-W
)	
BRAUSSE DIECUTTING &)	
CONVERTING EQUIPMENT, INC.,)	
)	
Defendant.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on April 22, 2005 her Recommended Decision. The Plaintiff filed its objections to the Recommended Decision on May 9, 2005. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that Defendant Brausse Diecutting & Converting Equipment, Inc.'s Motion for Summary Judgment (Docket #40) is GRANTED, in Part, on Counts III (fraud), IV (negligent misrepresentation), V (deceptive trade practices), and VII (punitive damages).
3. It is further ORDERED that Defendant Brausse's Motion for Summary Judgment (Docket #40) is DENIED, in Part, on Counts I (breach of contract), II (breach of express warranty), VI (revocation of acceptance, and on Brausse's counterclaim).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 14th day of June, 2005